

Senate File 578

H-1282

1 Amend Senate File 578, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 DEPARTMENTAL ORGANIZATION

7 Section 1. Section 159.5, subsection 7, Code 2021, is
8 amended to read as follows:

9 ~~7. Establish and maintain a marketing news service bureau~~
10 ~~in the department which shall, in cooperation with the~~
11 ~~federal market news and grading division~~ Cooperate with the
12 agricultural marketing service of the United States department
13 of agriculture, to collect and disseminate data and information
14 relative to the market prices and conditions of agricultural
15 products raised, produced, and handled in the state.

16 DIVISION II

17 ANIMALS

18 PART A

19 COMMERCIAL ESTABLISHMENTS

20 Sec. 2. Section 162.2A, subsection 3, paragraph d, Code
21 2021, is amended by striking the paragraph.

22 Sec. 3. Section 162.2A, Code 2021, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 4A. A commercial establishment shall not
25 be issued or renewed a state license by the department, unless
26 a person applying for the state license presents the department
27 with a valid, government-issued identification, or other form
28 of similar identification approved by the department, as
29 proof of identity that the person may legally act on behalf
30 of the commercial establishment in making the application.
31 The application must be signed by the person under penalty of
32 perjury subject to the penalty provisions of section 162.13,
33 subsection 1. Upon completion of the initial inspection,
34 the issued or renewed state license shall include a unique
35 identification number that is a public record under chapter 22.

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PART B

VETERINARY PRACTICE

Sec. 4. Section 169.20, subsection 2, Code 2021, is amended to read as follows:

2. The board shall issue certificates to veterinary assistants who have met the educational, experience, and testing requirements as the board shall specify by rule. ~~The A certificate is not a license and does not expire. The A new certificate shall be issued for a three-year period, subject to renewal at the end of each triennium. The board may adopt rules providing for the issuance and renewal of a certificate including the issuance of a new certificate for the balance of a triennium.~~ A certificate may be suspended or revoked, or any other disciplinary action may be taken as specified in section 272C.3, subsection 2. All disciplinary actions shall be taken pursuant to in the same manner as provided in section 169.14.

DIVISION III

COMMODITY PRODUCTION AND SALE

PART A

LOCAL FARM PRODUCE PROGRAM

Sec. 5. NEW SECTION. 190A.11 Definitions.

As used in this subchapter, unless the context otherwise requires:

- 1. "Department" means the department of agriculture and land stewardship.
- 2. "Farm source" means a farmer who produces and sells fresh farm produce grown on the farmer's land or a distributor of fresh farm produce who purchases fresh farm produce directly from such farmer or sells fresh farm produce on behalf of such farmer.
- 3. "Fresh farm produce" means vegetables, fruits, or nuts intended for inclusion as part of a school diet, including school meals and snacks as described in section 190A.3, if the vegetables, fruits, or nuts are not processed except for being trimmed, cleaned, dried, sorted, or packaged.

1 4. "Fund" means the local farm produce fund created in
2 section 190A.12.

3 5. "Program" means the local farm produce program created
4 in section 190A.13.

5 6. "School" means a public school or nonpublic school, as
6 those terms are defined in section 280.2, or that portion of a
7 public school or nonpublic school that provides facilities for
8 teaching any grade from kindergarten through grade twelve.

9 7. "School district" means a school district as described
10 in chapter 274.

11 **Sec. 6. NEW SECTION. 190A.12 Local farm produce fund.**

12 1. A local farm produce fund is created in the state
13 treasury under the management and control of the department.

14 2. The fund shall include moneys appropriated to the fund
15 by the general assembly. The fund may include other moneys
16 available to and obtained or accepted by the department,
17 including moneys from public or private sources.

18 3. Moneys in the fund are appropriated to support the
19 program in a manner determined by the department, including for
20 reasonable administrative costs incurred by the department.
21 Moneys expended from the fund shall not require further special
22 authorization by the general assembly.

23 4. a. Notwithstanding section 12C.7, interest or earnings
24 on moneys in the fund shall be credited to the fund.

25 b. Notwithstanding section 8.33, moneys credited to the
26 fund that remain unencumbered or unobligated at the end of a
27 fiscal year shall not revert but shall remain available for the
28 purposes designated.

29 **Sec. 7. NEW SECTION. 190A.13 Local farm produce program.**

30 1. A local farm produce program is created. The program
31 shall be controlled and administered by the department.

32 2. The purpose of the program is to assist schools and
33 school districts in purchasing fresh farm produce.

34 3. The department shall reimburse a school or school
35 district for expenditures incurred by the school or school

1 district during the school year in which the school or school
2 district is participating in the program for purchases of fresh
3 farm produce.

4 4. A school or school district must apply each year to the
5 department to participate in the program according to rules
6 adopted by the department pursuant to chapter 17A.

7 5. To be eligible to participate in the program, a school or
8 school district must purchase the fresh farm produce directly
9 from a farm source as follows:

10 a. Except as provided in paragraph "b", the farm source must
11 be located in this state.

12 b. If the school district shares a border with another
13 state, or the school is part of a school district that shares
14 a border with another state, the farm source may be located
15 in the other state. However, the farm source must be located
16 within thirty miles from the school district's border with that
17 state and the department must approve the purchase.

18 6. The department shall require proof of purchase prior to
19 reimbursing the school or school district for the purchase of
20 fresh farm produce.

21 7. The department may administer the program in cooperation
22 with the department of education and the participating school
23 or school district in which a participating school is located.

24 8. a. The department shall reimburse a participating
25 school or school district that submits a claim as required
26 by the department. The department shall pay the claim on a
27 matching basis with the department contributing one dollar
28 for every three dollars expended by the school or school
29 district. However, a school or school district shall not
30 receive more than one thousand dollars during any year in which
31 it participates in the program.

32 b. Notwithstanding paragraph "a", if the department
33 determines that there are sufficient moneys in the fund to
34 satisfy all claims that may be submitted by schools and school
35 districts, the department shall provide for the distribution

1 of the available moneys in a manner determined equitable by
2 the department, which may include a prorated distribution to
3 participating schools and school districts.

4 PART B

5 FERTILIZERS AND SOIL CONDITIONERS

6 Sec. 8. Section 200.3, subsection 24, Code 2021, is amended
7 by striking the subsection.

8 Sec. 9. Section 200.14, Code 2021, is amended to read as
9 follows:

10 **200.14 Rules.**

11 1. a. ~~The secretary is authorized, after public hearing,~~
12 ~~following due notice, to~~ department may adopt rules setting
13 forth pursuant to chapter 17A providing minimum general
14 safety standards for the design, construction, location,
15 installation, and operation of equipment for storage, handling,
16 transportation by tank truck or tank trailer, and utilization
17 of anhydrous ammonia fertilizers and soil conditioners.

18 ~~a.~~ b. The rules shall be such as are reasonably necessary
19 for the protection and safety of the public and persons using
20 anhydrous ammonia fertilizers or soil conditioners, and shall
21 be in substantial conformity with the generally accepted
22 standards of safety.

23 ~~b.~~ Rules that are in substantial conformity with the
24 published standards of the agricultural ammonia institute for
25 the design, installation and construction of containers and
26 pertinent equipment for the storage and handling of anhydrous
27 ammonia, shall be deemed to be in substantial conformity with
28 the generally accepted standards of safety.

29 ~~2.~~ c. Anhydrous ammonia Fertilizer and soil conditioner
30 equipment shall be installed and maintained in a safe operating
31 condition and in conformity with rules adopted by the secretary
32 department.

33 ~~3.~~ 2. The secretary shall enforce ~~this chapter~~ and, after
34 ~~due publicity and due public hearing,~~ department may adopt such
35 reasonable rules as may be necessary in order to carry into

1 effect the purpose, ~~and intent~~ and to secure the efficient
2 administration, of this chapter.

3 ~~4.~~ 3. This chapter does not prohibit the use of storage
4 tanks smaller than transporting tanks nor the transfer of all
5 kinds of ~~fertilizer including anhydrous ammonia fertilizers~~
6 or soil conditioners directly from transporting tanks to
7 implements of husbandry, if proper safety precautions are
8 observed.

9 DIVISION IV

10 WEIGHTS AND MEASURES

11 PART A

12 GENERAL

13 Sec. 10. Section 214.1, Code 2021, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 6. "*Weighmaster*" means a person who keeps
16 and regularly uses a commercial weighing and measuring device
17 to accurately weigh objects for others as part of the person's
18 business operated on a profit, cooperative, or nonprofit basis.

19 Sec. 11. Section 214.3, subsection 1, Code 2021, is amended
20 to read as follows:

21 1. ~~The A license issued by the department for the inspection~~
22 of a commercial weighing and measuring device shall expire on
23 December 31 of each year, and for a motor fuel pump on June 30
24 of each year. ~~The amount of the fee due for each license shall~~
25 ~~be as provided in subsection 3, except that the fee for a motor~~
26 ~~fuel pump shall be four dollars and fifty cents if paid within~~
27 ~~one month from the date the license is due.~~

28 Sec. 12. Section 214.3, subsection 3, paragraph e,
29 subparagraph (2), Code 2021, is amended to read as follows:

30 (2) Retail motor fuel pump, ~~nine~~ four dollars and fifty
31 cents.

32 Sec. 13. Section 214.4, subsection 1, unnumbered paragraph
33 1, Code 2021, is amended to read as follows:

34 If the department does not receive payment of the license
35 fee required pursuant to section 214.3 within one month from

1 the due date, the department shall ~~send~~ deliver a notice to
2 the owner or operator of the device. ~~The notice shall be~~
3 ~~delivered by certified mail.~~ The notice shall state all of the
4 following:

5 Sec. 14. Section 214.6, Code 2021, is amended to read as
6 follows:

7 **214.6 Oath Duties of weighmasters weighmaster.**

8 ~~All persons keeping a commercial weighing and measuring~~
9 ~~device, before entering upon their duties as weighmasters, A~~
10 weighmaster shall be sworn before some person having authority
11 ~~to administer oaths, to keep their~~ ensure that a commercial
12 weighing and measuring device is correctly balanced, to make
13 true weights, and ~~to~~ shall render a correct account to the
14 person having weighing done.

15 Sec. 15. Section 214.11, Code 2021, is amended to read as
16 follows:

17 **214.11 Inspections — recalibrations — penalty.**

18 1. The department shall provide for annual inspections
19 of all motor fuel pumps, including but not limited to motor
20 fuel blender pumps, licensed under [this chapter](#). Inspections
21 shall be for the purpose of determining the accuracy ~~of the~~
22 ~~pumps' measuring mechanisms, and for such~~ and correctness of
23 motor fuel pumps. For that purpose the department's inspectors
24 may enter upon the premises of any wholesale dealer or retail
25 dealer, ~~as they are defined in [section 214A.1](#), of motor fuel~~
26 ~~or fuel oil within this state.~~

27 2. Upon completion of an inspection, the inspector shall
28 affix the department's seal to the measuring mechanism of the
29 motor fuel pump. The seal shall be appropriately marked,
30 dated, and recorded by the inspector. If the owner of an
31 inspected and sealed motor fuel pump is registered with the
32 department as a servicer in accordance with [section 215.23](#),
33 or employs a person so registered as a servicer, the owner
34 or other servicer may open the motor fuel pump, break the
35 department's seal, recalibrate the measuring mechanism if

1 necessary, and reseal the motor fuel pump as long as the
2 department is notified of the recalibration within forty-eight
3 hours, ~~on a form~~ in a manner provided by the department.

4 ~~2.~~ 3. A person violating a provision of **this section** is,
5 upon conviction, guilty of a simple misdemeanor.

6 PART B

7 MOTOR FUEL

8 Sec. 16. Section 214A.2A, subsection 1, Code 2021, is
9 amended to read as follows:

10 1. Fuel which is sold or is kept, offered, or exposed for
11 sale as kerosene shall be labeled as kerosene. The label
12 shall include the word "kerosene" ~~and a~~ or the designation as
13 ~~either "K1" or "K2"~~ "K1 kerosene", and shall indicate that
14 the kerosene is in compliance with the standard specification
15 adopted by A.S.T.M. international specification D3699 (1982).

16 Sec. 17. REPEAL. Section 214A.15, Code 2021, is repealed.

17 PART C

18 INSPECTIONS

19 Sec. 18. Section 215.4, Code 2021, is amended to read as
20 follows:

21 **215.4 Tag for inaccurate or incorrect device — reinspection**
22 **— license fee.**

23 A commercial weighing and measuring device found to be
24 inaccurate or incorrect upon inspection by the department
25 shall be rejected or tagged "condemned until repaired" and
26 the ~~"licensed for commercial use"~~ inspection sticker shall be
27 removed. If notice is received by the department that the
28 device has been repaired and upon reinspection the device is
29 found to be accurate or correct, ~~the~~ a license fee ~~shall not~~
30 may be charged for the reinspection. However, a second license
31 fee shall be charged if upon reinspection the device is found
32 to be inaccurate. The device shall be tagged "condemned" and
33 removed from service if a third reinspection fails.

34 Sec. 19. Section 215.7, Code 2021, is amended to read as
35 follows:

1 **215.7 Transactions by false weights or measures.**

2 1. A person shall be deemed to have violated the provisions
3 of **this chapter** and shall be punished as provided in chapter
4 ~~189~~, if the person does any of the following ~~apply~~:

5 ~~1. a.~~ Sells, trades, delivers, charges
6 for, or claims to have delivered to a purchaser an amount
7 of any commodity which is less in weight or measure than
8 that which is asked for, agreed upon, claimed to have been
9 delivered, or noted on the delivery ticket.

10 ~~2. b.~~ Makes a settlement for or enters
11 a credit, based upon any false weight or measurement, for any
12 commodity purchased.

13 ~~3. c.~~ Makes a settlement for or enters
14 a credit, based upon any false weight or measurement, for any
15 labor where the price of producing or mining is determined by
16 weight or measure.

17 ~~4. d.~~ Records a false weight or
18 measurement upon the weight ticket or book.

19 2. The department may adopt rules pursuant to chapter 17A
20 that allow for reasonable variations and exceptions for small
21 packages.

22 3. A person who violates this section is guilty of a simple
23 misdemeanor.

24 Sec. 20. Section 215.23, Code 2021, is amended to read as
25 follows:

26 **215.23 Servicer's license.**

27 1. ~~A servicer shall not install, service, or repair a~~
28 ~~commercial weighing and measuring device until the servicer~~
29 ~~has demonstrated that the servicer has available adequate~~
30 ~~testing equipment, and that the servicer possesses a working~~
31 ~~knowledge of all devices the servicer intends to install or~~
32 ~~repair and of all appropriate weights, measures, statutes, and~~
33 ~~rules, as evidenced by passing a qualifying examination to~~
34 ~~be conducted by the department and obtaining a license. The~~
35 ~~secretary of agriculture shall establish by rule pursuant to~~

1 ~~chapter 17A, requirements for and contents of the examination.~~
2 The department may adopt rules pursuant to chapter 17A setting
3 forth qualification requirements for persons applying for a
4 servicer's license, including an examination.

5 2. In determining ~~these~~ a servicer's qualifications, the
6 ~~secretary shall~~ department may consider the specifications
7 of the United States national institute of standards and
8 technology, handbook 44, "Specifications, Tolerances, and
9 Technical Requirements for Weighing and Measuring Devices",
10 or the current successor or equivalent specifications adopted
11 by the United States national institute of standards and
12 technology.

13 3. The ~~secretary shall~~ department may require ~~an annual the~~
14 payment of a license fee of not more than five dollars for an
15 amount established by rule for each license issued under this
16 section.

17 4. Each A license shall expire ~~one year~~ two years from its
18 date of issuance.

19 Sec. 21. REPEAL. Sections 215.3 and 215.8, Code 2021, are
20 repealed.>

MAXWELL of Poweshiek